

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

W.P. No.1705 of 2003

Petitioners

1. Smt. Sonai Bai, wife of Narayan Gond, aged about 45 years, Sarpanch of Gram Panchayat Chhuhipali
2. Lakhanlal Sidar, son of Sukhru, Secretary, Gram Panchayat Chhuhi Pali, Block and Tehsil Sarangarh, District Raigarh (C.G.)

versus

Respondents

1. State of Chhattisgarh, through Secretary, Panchayat and Social Welfare, Mantralaya, D.K.S. Building, Raipur, District - Raipur (C.G.)
2. The Collector, Raigarh, District Raigarh (C.G.)
3. The Sub Divisional Officer, Sarangarh, District Raigarh (C.G.)
4. The Additional Tehsildar, Sarangarh, District Raigarh (C.G.)
5. Sukhram, Up-Sarpanch of Gram Panchayat Chhuhi Pali, Block and Tehsil - Sarangarh, District Raigarh (C.G.)

Present : Shri Sunil Sahu, counsel for the petitioners.
Shri A.S.Kachhawaha, Government Advocate for the State.
Shri K.N.Nande, counsel for the caveator.

ORAL ORDER

(Passed on 20th March, 2007)

What is questioned by the petitioners in this writ petition is the order passed by the Collector in exercise of his power under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

(2) Inasmuch as the petitioners have a right to appeal against the impugned order under the provisions of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 before the Director, Panchayat. Without exhausting that remedy, the petitioners could not have approached this Court under Article 227 of the Constitution of India.

(3) In that view of the matter, the writ petition is disposed of. However, liberty is reserved to the petitioners to file an appeal, if they so desire, questioning the impugned order before the appropriate forum within a month's time from today. If such an appeal is filed within the time granted by this Court, the appellate authority shall decide the same on its own merits without reference to the period of limitation. All the contentions raised by the parties are left open. Ordered accordingly.

Sd/-
Chief Justice